

3. (original) The textile fabric of claim 1 wherein said high performance fiber has a tensile modulus of elasticity of 5,000 kg/mm² or more.

4. (amended) The textile fabric of claim 2 1 wherein said base fabric comprises fibers are selected from natural and synthetic fiber.

5. (original) The textile fabric of claim 4 wherein said natural fibers are selected from cotton or wool.

6. (original) The textile fabric of claim 2 wherein said synthetic fibers are selected from the group consisting of rayon fibers, aliphatic polyamide fibers, polyacrylic fibers, polyester fibers, water-insoluble modified polyvinyl alcohol fibers, and mixtures thereof.

7. (original) The textile fabric of claim 3 wherein said high performance fiber is selected from organic polymer and inorganic fibers.

8. (original) The textile fabric of claim 7 wherein said high performance inorganic fiber is selected from the group consisting of S-glass fibers, E-glass fibers, steel filaments, carbon fibers, boron fibers, aluminum fibers, zirconin-silica fibers, aluminum-silica fibers and mixtures thereof.

9. (amended) The textile fabric of claim 7 wherein said organic polymer fiber is selected from the group consisting of aramid fiber, liquid crystal copolyester fiber, nylon fiber, polyacrylonitrile fiber, polyester fibers, polybenzimidazole fibers, high molecular weight polyvinylalcohol fiber, ultra high molecular weight polyolefin fibers and mixtures thereof.

10. (original) The textile fabric of claim 1 comprising a cotton glove having at least one island of a unilayer synthetic or organic fibers.

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The claims have been amended to more particularly state that the fabric comprises a unilayer and not eh double layer illustrated in Figs. 2A and 2B fo the prior art. The prior art gloves are prepared on conventional glove knitting machines which is a flat or v-bed machined and not a circular bed machine. Also these conventional flat or v-bed machines could have either rib or interlock needle gaiting depending upon the fabric structure desired. The Shima Serki company produces such machines.

The Rejection Under 35 U.S.C. 102

Reconsideration is requested of the rejection of claims 1 and 11 under 35 U.S.C. 102 as being anticipated by Andrews et al.

The articles of claims 1 and 11 related to unilayer fabrics that are continuously stitched which the applicant has prepared with a computer program using two different types of fibers without the formation of a seam or a double layer. The applicant preprogrammed the computer so that islands of performance fibers can be selectively placed based on the use of the glove in the same layer.

Andrews et al provides a glove which is prepared on a conventional glove which produces the knit shown in Figs. 2A and 2B. The gloves of cell of the figures have longitudinal strands which have regions having the prior art knit.

Applicants have achieved commercial success since they were the first to arrive at the unilayer construction with the islands with the high performance fibers.

There cannot be anticipation since the critical inventive feature of the unilayer construction with the different areas with high performance fibers was not previously known in the art and applicant have achieved commercial success because of this unique feature. Andres et al provides a similar construction as Attenborough.

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Consequently, there can be no anticipation since the prior art does not on all four corners teach or suggest the invention as presently claimed.

The Rejection Under 35 U.S.C. 103

Reconsideration is respectfully requested of the rejection of claims 2, 4-6 and 10 under 35 U.S.C. 103(a) as being unpatentable over Andrews et al in view of Kuehnel.

As previously stated, Andrews et al does not disclose the essential feature of the invention, namely, the unilayer construction.

Kuehnel teaches the mixed fibers and the base fabric utilizing conventional knitting techniques which would be the same as seen in Figs. 2A and 2B. Note, especially Shrima Seiki patent no. 5,511,394 which discusses the use of a lining yarn that is the basis for the prior art gloves.

Reconsideration is respectfully requested of the rejection of claims 3, 7, 8, and 9 under 35 U.S.C. 103 as being unpatentable over Andrews in view of Sullivan.

Sullivan provides a rib knit tubular member which is multilayered which are prepared separately and then stitched over the glove. Sullivan et al is contrary to the teachings of Andrews et al which requires continuous construction same as applicants. There would be no motivation to combine Sullivan et al with Andrews et al.

Reconsideration is respectfully requested of the rejection of the claims under 35 U.S.C. 103(a) as being unpatentable over Andrews et al in view of Inoue et al or Robins et al.

Robins et al merely discloses composite yarn and not any means for producing a unilayer fabric as requested by the instant claims. Chain stitching is common to double

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layers. Therefore, Robins et al does not add anything to Andrews et al which would lead to the present invention.

Inoue et al discloses a knitting system but is silent with regard to chain-stitching a unilayer fabric. Reference is made to a rib stitch in column 10. The description merely relates to carrying out knitting operations by the conventional method known in the art. (see column 22, lines 22-24). To form a unilayer fabric is not a conventional method. Consequently, Inoue et al fails to add any teachings to Andrews et al which would lead one in the art to the presently claimed invention.

In determining obviousness, one should consider the problems solved by the invention. The present invention solves a long term problem in producing a unilayer fabric. One should not, however, speculate on how prior gloves might be reconstructed to match the claimed structure employing hindsight. cf. Panduit Corp. v Dennison Manufacturing Co., 810 F2d 1561, 1 USPQ 1593 (Fed. Cir. 1987). Functional equivalence is no substitute for structural equivalence.

Furthermore, when obviousness is based on modifying the prior art, the particular modification must be based on a teaching, suggestion, or motivation found in the prior art, including the general knowledge of one of ordinary skill in the art. In re Gal, 25 USPQ 2d 1076 (Fed. Cir. 1992). None of the prior art suggests the elements of the present invention which contains areas of performance yarn with different yarn in a unilayer. The Examiner may not "use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered 'obvious'". In re Fritsch, 23 USPQ 2f 1780 (Fed. Cir. 1992). Such use would be impermissible hindsight.

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Section 103 expressly mandates that the inquiry into patentability must be drawn toward the subject matter as a whole. See Connell v. Sears Roebuck & Co., 220 USPQ 193, 199 (Fed. Cir. 1983). The cited art does not suggest the critical features recited in each claim of the present application. Applicants maintain that when the reference is viewed for their actual teaching, without knowledge of Applicant's invention, the present claims cannot be considered obvious.

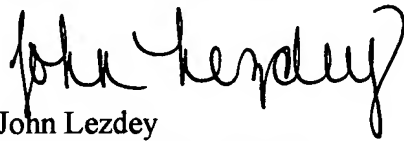
In view of the above, Applicants maintain that all points raised by the Examiner have been answered. The claims now presented are in condition for allowance.

Reconsideration and favorable action are earnestly solicited. If the Examiner still considers that there are outstanding issues in this case, he is requested to telephone the undersigned.

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